

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

2020 MAY 29 AM 9:08

DEPUTY CLERK 

Clifton R. Rodgers

Plaintiff

v.

BH Management Services LLC

Defendant

**3-20CV1386-B**

Civil Action No.

COMPLAINT

Racial discrimination (claim 8)

31 pages support documents included

\* Attach additional pages as needed.

Date 5-29-2020  
Signature Clifton R. Rodgers  
Print Name Clifton R. Rodgers  
Address 3709 Shepherd Oaks Cir # 421  
City, State, Zip Ft. Worth, TX 76112  
Telephone 972-480-1898

Current residence

Clifton R. Rodgers

2309 Shepherd Oaks Cir. Apt. #421

Forth Worth, TX 76112

Phone # 972-480-1898

Email address/ clifton rodgers 052@gmail.com

Old residence - while employed by BHMS LLC.

8150 N Stemmons Frey # 2018

Dallas, TX 75243



### Disciplinary Action Form

Employee Name: Clifton Rodgers Employee Number: A15E Date of Hire: 04/25/2019

Job Title: Maintenance Supervisor Property Name: Forest Hills

Position Start Date: 04/25/2019 Supervisor Name: Brandon Dominic

Type of Violation:	<u>Behavior</u>	<u>Various</u>
	(Attendance, Performance, Behavior, etc.)	(Approximate Date & Time of Incident)

#### Disciplinary Level

Written Warning

Final Written Warning

Termination

#### **Incident Description and Supporting Details (Witnesses(es), location, specific policy reference or job duties that have not been performed)**

HR Department has received multiple statements and reports of unsatisfactory personal conduct. This includes verbal abuse, disrespectful attitude while working with coworkers, raising your voice when speaking to others, and inappropriate language around and towards other coworkers.

On 06/19/2019 I arrived at work at 8:05 and noticed Clifton sitting in the chair drinking coffee, he was on the clock. I told him that we have help coming today to complete work orders to help us get caught up. I asked him two different times this morning to get together work orders / keys and have them ready for the person that is helping when they arrive. Clifton did not prepare the work orders or keys as requested. Around 9:15AM I walked out to my car and noticed Clifton and Bruce working together to clean the pool. I asked Clifton a third time to prepare the work order stack and this time I asked to review this when it is ready. He replied back and told me that he would come in the office and talk to me about it just to give him a minute. His tone was very demanding and irritated. After returning from my car on the sidewalk beside the pool Clifton met me and told me that I need to learn where my job starts and where it stops. All maintenance related inquiries are to be through Clifton and he is the one in charge of maintenance. He told me that I need help understanding what my job is and where it stops. Clifton also told me that I continuously step over the line and get involved with maintenance when that is not my job. Clifton also told me that he did not sign up for this and to be managed and checked up on by his manager. He said he doesn't want to go back 40 years and be a service tech again. He again reiterated that he is a maintenance manager not a service tech. Clifton has displayed a unsatisfactory attitude and insubordinate behavior with his direct supervisor.

Digitally signed by Monica  
Monica Champagne  
Date: 2019.06.19 10:49:34 -05'00'

06/19/19

Human Resources Signature  
(Required)

Date



Employee Warning Report

**Corrective Action (List detailed steps for improvement and plans for follow-up.)**

--

**Consequence Should Incident Occur Again**

**Termination of Employment**

**Prior Incidents of Same Policy Violation (Recorded and in employee's personnel file)**

Date	Description

Employee is warned that any further violations of company policy, company practices or unsatisfactory performance will result in disciplinary action, up to and including termination of employment.

By signing this document, you are acknowledging that you have read and understand this warning decision and your supervisor has reviewed its contents with you. A copy of this document will be placed in your personnel file.

Print or Type Name of Employee Brandon Dominic	Employee Signature	Date 06/19/2019
Print or Type Name of Issued By	Issued by Signature	Date
	Human Resources Signature (Required)	Date



MANAGEMENT SERVICES, LLC

Employee Warning Report

**Employee Comments (Optional)**

--

Employee Signature

Date

472                   370-1 C3828  
 UI Support & Customer Service  
 TEXAS WORKFORCE COMMISSION  
 PO BOX 901010  
 FORT WORTH TX 76101-2010

2)

32041971004720101

## DETERMINATION ON PAYMENT OF UNEMPLOYMENT BENEFITS

Date Mailed: July 17, 2019

CLIFTON R RODGERS  
 8150 N STEMMONS FWY APT 2018  
 DALLAS TX 75247-4104



Social Security Number: XXX-XX-8522  
 Employer: BH MANAGEMENT SERVICE  
 As:  
 Employer Account No: 13-921381-5  
 All dates are shown in  
 month-day-year order.

### Decision

**Issue: Separation from Work**

**Decision:** We can pay you benefits, if you meet all other weekly requirements, such as being able and available to work, and be actively searching for work.  
**Reason for Decision:** Our investigation found that your employer fired you for a reason that was not misconduct connected with the work.  
**Law Reference:** Section 207.044 of the Texas Unemployment Compensation Act.

**Understanding your Decision**

If you receive a decision that says, "we cannot pay you benefits," it means there is a problem with your claim EVEN IF you have received other decisions for the same period that say, "we can pay you benefits." If even one decision for the same period says we cannot pay, you will not receive an unemployment payment for that period.

**To resolve issues on decisions you receive:**

1. Follow instructions on the notice(s); call the Tele-Center at 800-939-6631 if you have questions;
2. If the instructions tell you to "Report," call the Tele-Center at once;
3. If you disagree with a decision, file an appeal. Appeal each decision separately by the appeal deadline. If you fax your appeal, keep a confirmation sheet.  
 Your employer can appeal TWC's decision to pay benefits. TWC will notify you of any appeal hearing. If you do not participate, you may lose your benefits and have to repay benefits you received.

### Determination of Potential Chargeback for the Employer

Your last employer did not report wages for you during the base period of this claim, therefore chargeback does not apply. If we use the wages paid in a later claim, after this claim has expired, we will notify the employer who will have a separate right to protest at that time.

### If You Disagree with this Decision

If you disagree with this decision, you may appeal. Submit your appeal by mail, fax, online, or in person at any Texas Workforce Solutions office, on or before 07-31-19. TWC will use the postmark date, or the date we receive the fax or online form, to determine whether you submitted your appeal on time. If you appeal by fax, you should keep your fax confirmation as proof you sent it. Please include a copy of this determination notice with your appeals correspondence.

If you receive multiple determination notices, you must appeal each determination separately.

Mail the appeal to:

You may appeal by submitting  
 TWC's online appeal form. Go to  
[www.texasworkforce.org/uiappeal](http://www.texasworkforce.org/uiappeal)

Appeal Tribunal  
 Texas Workforce Commission  
 101 E. 15th Street  
 Austin, TX 78778-0002  
 Or fax to (512) 475-1135

Case No.: 23
Claim ID.: 06-16-19
Claim Date: 06-16-19
HEARING IMPAIRED CLIENTS CALL 711 for RELAY TEXAS

Please See Reverse For How To File An Appeal.

WF'SOL DALLAS IRVING  
2520 W IRVING BLVD STE 100  
IRVING TX 75061

3)

07-22-19

CLIFTON RODGERS  
8150 N STEMMONS FWY APT 201B  
DALLAS TX 75247

XXX-XX-8522

Dear CLIFTON,

You are receiving this letter because you recently filed a claim for unemployment benefits. To maintain eligibility for receiving unemployment benefits, you must be actively searching for work and participate in all scheduled reemployment activities.

You have been scheduled to attend a mandatory reemployment orientation on the date and at the time and location designated below. This orientation offers you an opportunity to work directly with a reemployment specialist to help get back to work as quickly as possible.

**You are scheduled to attend the following orientation:**

Date: 08-16-19

Address: WF SOL DALLAS IRVING

2520 W IRVING BLVD, STE 100

Time: 9-11:30 am Friday

IRVING, Texas 75061-4232

For questions, call:

972-573-3500

**Special Instructions:**

**\*\*Online Orientation not available\***

ESPAÑOL 08/22/2019 a las 1:30 pm

It is important to understand that failure to attend this orientation or complete the reemployment activities shown below could result in a delay or denial of your unemployment benefits. (See the *Unemployment Insurance Benefits Handbook*.)

You are required to participate in the following reemployment activities:

- Attend reemployment orientation, which introduces you to the services available at your local Workforce Solutions Office.
- Meet with Workforce Solutions Office staff to develop a reemployment plan and to assess your eligibility for continued unemployment benefits.
- Discuss your work history with Workforce Solutions Office staff, examine job trends in your area, and discuss potential referrals to career services and/or training opportunities.

It may be necessary for you to return to the Workforce Solutions Office if all services are not completed on the day of orientation.

If you are currently working or are unable to attend the orientation on the date listed above, or if you need special accommodations, call your local Workforce Solutions office using the contact information above. You should also update your WorkInTexas.com matching criteria and resume before attending the mandatory orientation.

Keep this letter for your personal records.

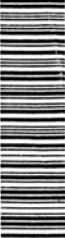
**Law Reference: Subsection 207.021(a)(9) of the Texas Unemployment Compensation Act.**

320420310012080101

TEXAS WORKFORCE COMMISSION  
PO BOX 2211  
MC ALLEN TX 78502-2211

3)

**INFORMATION REQUEST**  
Date Mailed: July 8, 2019

320418810004450101  


CLIFTON R RODGERS  
8150 N STEMMONS FWY APT 2018  
DALLAS TX 75247-4104



Social Security Number: XXX-XX-8522

All dates are shown in  
month-day-year order.

**IMPORTANT**

TWC will make a decision about your claim, based on available information.  
**PLEASE RESPOND AS SOON AS POSSIBLE** but no later than 07-15-19

- \* We need information from you regarding your right to benefits.

**INSTRUCTIONS**

Please Call: SANDRA M SAENZ

(800) 819-9488 Ext. 7236

Please call as soon as possible but no later than 3:00 PM 07-15-19

**PLEASE NOTE:** TWC could delay or deny payment of unemployment  
benefits if you do not respond to this notice.

Case No.:	23
Claim Id.:	06-16-19
Claim Date:	06-16-19
TWC Office Fax No.:	(512) 322-2875

Hearing - Impaired clients  
dial 711 for Relay Texas

3  
TEXAS WORKFORCE COMMISSION

WF'SOL DALLAS IRVING  
2520 W IRVING BLVD STE 100  
IRVING TX 75061

07-22-19

320420310012080101

CLIFTON RODGERS  
8150 N STEMMONS FWY APT 2018  
DALLAS TX 75247

XXX-XX-8522

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You have been scheduled to attend a mandatory reemployment orientation on the date and at the time and location designated below. This orientation offers you an opportunity to work directly with a reemployment specialist to help get back to work as quickly as possible.

**You are scheduled to attend the following orientation:**

Date: 08-16-19	Address: WF SOL DALLAS IRVING 2520 W IRVING BLVD, STE 100 IRVING, Texas 75061-4232
Time: 9-11:30 am Friday	
For questions, call:  972-573-3500	Special Instructions:  **Online Orientation not available* ESPANOL 08/22/2019 a las 1:30 pm

It is important to understand that failure to attend this orientation or complete the reemployment activities shown below could result in a delay or denial of your unemployment benefits. (See the *Unemployment Insurance Benefits Handbook*.)

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Keep this letter for your personal records.

**Law Reference: Subsection 207.021(a)(9) of the Texas Unemployment Compensation Act.**

UI Support & Customer Service  
TEXAS WORKFORCE COMMISSION  
PO BOX 901010  
FORT WORTH TX 76101-2010

3)

Date Mailed: June 24, 2019

JUN 29

320417410002290104

Social Security Number: XXX-XX-8522

All dates are shown in  
month-day-year order.

CLIFTON R RODGERS  
8150 N STEMMONS FWY APT 2018  
DALLAS TX 75247-4104

**IMPORTANT**

Dear CLIFTON R RODGERS

TWC sends this Unemployment Insurance (UI) Benefits Information handbook and other material to everyone who applies for UI benefits. Please read all the information and follow all instructions TWC sends you. You must follow all UI laws and rules to receive benefits.

**Helpful tips:**

- \* Complete your WorkInTexas application immediately at your nearest Texas Workforce Solutions office (see below) or online at [www.WorkInTexas.com](http://www.WorkInTexas.com). Click register as a job seeker. If you live out of state, you must register at a workforce office in that state.
- \* Each week that you request benefits, you must complete 4 work search activities. We included a sample of a work search log. TWC may ask for your log at any time, so keep it up to date. Tips for a Productive Work Search, sent separately, explains the types of work search activities you should record in your log.
- \* To request benefits or check the status of your claim, log on to [ui.texasworkforce.org](http://ui.texasworkforce.org), or call Tele-Serv, our interactive voice response system (see below). In a separate envelope, we mailed you instructions on how to use our Web site and Tele-Serv, and when to request payment. TWC will call you or mail you a letter if we need more information about your claim.
- \* If you lost your job due to foreign imports, ask your Workforce office about Trade Adjustment Assistance. You may be eligible for special training benefits.

If you need customer assistance, call the Tele-Center number below. Please keep this cover sheet for future use.

Payment Request website: [ui.texasworkforce.org](http://ui.texasworkforce.org)

Tele-Serv Telephone Number: (800) 558-8321

TWC Unemployment Insurance Tele-Center Number: (800) 939-6631

TWC Fax Number: (512) 322-2840

**Workforce office closest to you:**

WF SOL DALLAS IRVING  
2520 W IRVING BLVD STE 100  
IRVING, TX 75061-4232  
(972) 573-3500

445 365-1 C3367  
UI Support & Customer Service  
TEXAS WORKFORCE COMMISSION  
PO BOX 2211  
MC ALLEN TX 78502-2211

3)

320418810004450101  


**INFORMATION REQUEST**  
Date Mailed: July 8, 2019

CLIFTON R RODGERS  
8150 N STEMMONS FWY APT 2018  
DALLAS TX 75247-4104

XXXXXXXXXXXXXXXXXXXX

Social Security Number: XXX-XX-8522  
All dates are shown in  
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**IMPORTANT**

TWC will make a decision about your claim, based on available information.  
**PLEASE RESPOND AS SOON AS POSSIBLE** but no later than 07-15-19.

- \* We need information from you regarding your right to benefits.

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benefits if you do not respond to this notice.

Case No.:	23
Claim Id.:	06-16-19
Claim Date:	06-16-19
TWC Office Fax No.:	(512) 322-2875

Hearing - Impaired clients  
dial 711 for Relay Texas

4)

1 of 8

Statements of facts, SOF  
and documents.

On April 9, 2019, I was employed by Alist.  
A temp to hire work placement specialist, located  
at 8330 Lyndon B Johnson Fwy # 270, Dallas  
Tx 75243. Phone # 972-707-4400.

A position for an apartment maintenance  
supervisor. Worksite Location, at Forest Hills  
Apartments, 9659 Forest Lane, Dallas, Tx 75243.  
Phone # 833-656-0365.

I arrived on this property at about 10am. I  
immediately met with Ms. Brenda, property  
Manager<sup>PM</sup>, and Mr. Matt, regional maintenance  
supervisor RMS.

Ms. Brenda was the only full-time employee  
at this property. She made it known to me of  
her efforts to fill the positions in the office  
and the maintenance staff.

The maintenance staff, all temp to hire, Mr. Clayton  
maintenance supervisor. Mr. Jose, assistant maintenance.  
Mr. Sebastian, make ready tech. And Mr. ~~Stadler~~  
(Vladimir) porters.

Because the air conditioning condenser units were  
located on a 3 story downward sloping roof.

Ms Brenda gave me clear instructions to  
never work on the roof alone. She voiced concern, I  
could get hurt, and maybe no one would know.

4) SOF Cont-

And someone was always available to assist me. We worked as a team.

Doing this time of employment, I received a lot of on-line training from both Ms. Brenda PM, and Mr. Matt RMS. Highly motivated, I excelled.

On April 25, 2019, I was hired by B.H. Management Services LLC, corporate location at 2711 N. Haskell Ave. #2650, Dallas, TX 75204. Phone # 214-965-9363.

About this date Mr. Vladmir was hired as porter. Mr. Sebastian, not ready, was replaced by Mr. Bruce. Mr. Jose was offered the maintenance assistance position, but later released.

Mr. Bruce and I worked together daily.

On or about April 30, 2019, I received (4) pool closed signs from Mr. Matt RMS. They were installed one on each of the (4) gates. It was during this time, I spoke with Ms. Brenda concerning my need to renew my pool operators license before the pools opened. Ms. Brenda assured me she would get right on it, and send me and Mr. Bruce.

About the second week of May 2019. I came to the office with intent to talk to Ms. Brenda, but instead, Ms. Kerry RPM, and Ms. Monica HR was in her office.

Ms. Monica HR, asked could I meet with her in the assistant Manager's office? I said Yes.

4)

SOF Con't

308

I went inside and she closed the door. Ms. Monica R said to me, "We have been hearing a lot of negative things about Ms. Brenda. We have been told she has been talking loud and disrespectful to the residents and other coworkers. Has she treated you this way?" I answered her no, and was told I could now go.

It was later in the day, I was told by other coworkers, Ms. Brenda, was no longer property manager at Forest Hill Apartments. That she had been demoted and sent to another property.

During this time, the early part of May 2019. I did notice Ms. Kerr spending more time at this property.

By the third week, a complete office staff had been hired. Mr. Brandon, property manager PM. Ms. Sophia, assistant property manager APM. And Ms. Sandra, leasing agent.

The new property manager arrived about the third week in May 2019.

On the first day, I met with him in his office and the first words he said was, "I am just going to tell you right now, I am putting you on call permanently."

I remember the next day, Mr. Brandon, handing

4)

SOF Cont

4 of 8

me a to do list. He assured me he would expect everything to be completed, and would check back with me.

On May 24, 2019. Mr. Bruce and myself was cleaning the pools when Mr. Brandon and Ms. Kerr came out onto the pool deck. Ms. Kerr said, "I ~~want~~ this pool opened today. This pool can not be closed and this being the Memorial Day weekend. And the pools were opened.

Tuesday May 28, 2019, the following week, I spoke with Mr. Brandon, with the presence of Mr. Bruce, and told him about my need to renew my pool operators license. Mr. Brandon, told us no problem, that he would send us both. I also, asked Mr. Brandon to bring in a temp for the assistant maintenance position. Mr. Brandon said he had to talk to Ms. Kerr about it first. He told me later on, Ms. Kerr had decided this position will not be filled.

It was around this time Mr. Brandon PM, set up by cell phone, a chain link text messenger. Sent out by Mr. Brandon after work hours and mainly on the weekends. I saw that Mr. Bruce and Mr. Vladimir responding. But I did not. Because I knew I had received a lot more training than Mr. Brandon, and that he may have violated company policy.

4)

SOF Con't-

5 of 8

However, my refusal to not take part, did not go unnoticed. Mr. Brandon had a meeting with the maintenance staff. Mr. Voldiner, Mr. Bruce, and myself. And he said to us, for now on, you no longer take orders from ... Clifton.

For now on you will come directly to me, every day.

And so, it was. There was made hostile working conditions. For the most part, having to work alone. Did that include making necessary repairs on the roof alone? I decided to do my job, and I did, I had little choice.

When the subject of the pool came up again, Mr. Brandon joked in our faces saying, "We are his illegal pool operators." And I laughed about it.

On June 11, 2019, I met with Mr. Brandon in his office. I told him, I needed a meeting be set up between me and Ms. Kerry. He said he would let me know later in the day.

Mr. Brandon did come to me later that day and told me that Ms. Kerry stated she was on paid time off, and would not be able to meet with me until next week. I said, OK.

On June 13, 2019, I walked into the front office door. I noticed everybody seemed to be grouped together, the office and part of maintenance staff. I asked, what's going on?

4)

## SOF Con't

6 of 8

Ms Sandra said, that all could hear.

" Ms Kerry called and said she is locked inside her car, and is scared to get out, because (2) big black guys approached her car window, and now she is afraid. After hearing this, the entire stop, Mr. Brandon, Ms. Sophia, Ms Sandra, Mr. Bruce, Mr. Vladimir, and myself. We all headed walking toward the Forest Lane parking lot. I believe everybody took this walk serious, because everybody was looking around, including myself. what I saw was one car in the whole parking lot, belonging to Ms. Kerry. I saw no other person in the whole parking lot, even the bus stop was empty .

We all reached ms kerry's car , she immediately gets out and says, " I didn't expect all of you to come!"

I went back to the office because I thought Ms. Kerry had come early to meet with me. Soon, Mr. Brandon came to the office and said, " Have you seen Mr. Bruce?" I said no. He then said, " He is meeting with ms. kerry!"

So every day after June 13, 2019, I waited to meet with ms. kerry. I did not have a

4)

SOF Cont'

708.

Clue, when she would meet with me. On June 19, 2019, at about 11 am. I was called to the office by Mr. Brandon. When I got there, I saw Ms. Kerry was also there, I took a seat.

Ms. Kerry, handed me the letters of termination of employment, and explained to me the gravity of the things stated in the paragraph, and is unacceptable conduct. And Mr. Brandon took his turn also explaining his statements in the (2) Paragraph.

Afterwards, I was to be escorted to my car by Ms. Kerry and Mr. Brandon. When we reached my car, Ms. Kerry asked, "How do we know you don't have something in your car that may belong to us?" I said to her, you are welcome to search my car, if you really think so. She did decline. After I picked up tools from the shop that belonged to me, I was then escorted off the property by Mr. Brandon, and Mr. Bruce.

On June 25, 2019, I appeared at BH Management Services Corporate Office, and informed them I believed that they owed me some additional wages, I believed, I had earned. After waiting in the front office for a while, Ms. Monica HR came out and said to me, "I had been paid all that was owed to me, and BH Management Services LLC don't withhold employee wages. I took her word and left.

4)

SOF Cont'd -

808

On or about June 24, 2019, filed for unemployment benefits with TWC, and for a determination of facts.

On or about July 17, 2019, received Determination on payments of Unemployment Benefits. Other documents included (TWC), dated 7-22-2019, 7-8-2019, 7-11-2019.

On or about 1/14/20. Received unpaid wages from BTH Management Services LLC, dated 12/10/2019, documents provided.

On 2-27-2020, filed complaint based on racial discrimination, wrongful termination, at EEOC. Documents included.

On 2-27-2020, issued Dismissal and notice of rights, US Equal Employment Opportunity Commission.

RE: Password

Max Moon

Wed 5/15/2019 12:50 PM

To: Megan Erickson <Megan.Erickson@bhmanagement.com>

Cc: Brenda Ramos <Brenda.Ramos@bhmanagement.com>

His login is

Clifton.Rodgers@bhmanagement.com

Password@123

Max Moon | Active Directory Administrator

Extension: 1449

Phone: (515) 410-9335

**From:** Megan Erickson  
**Sent:** Wednesday, May 15, 2019 12:42 PM  
**To:** Max Moon <Max.Moon@bhmanagement.com>  
**Cc:** Brenda Ramos <Brenda.Ramos@bhmanagement.com>  
**Subject:** FW: Password

Max,

Would you be able to help Clifton get his access to SharePoint. He seems to be having some trouble logging in.

Thank you.

Megan

Megan Erickson | Regional Coach

Extension: 1552

Phone: (469) 250-1918

Fax: (469) 607-0949

(6)

Chair -

Site plan -  
Circular logo  
Notes of completion -  
- A 302

Parking Spaces  
- B 4  
- B 5

Dry wall Roofing update

- H O Supply -

Model Door Paint - ✓

- Drywall - Innovative

Key Locks for offices

Light fixture

Blinds in small building  
- L 207  
- B 302  
- L 209  
- B 114  
- L 207  
- B 302

Date	Invoice	Memo	Orig. Amt	Amt. Due	Amount
6/26/2019	Bill Payroll 07.05.19	Payroll	387.05	387.05	387.05
Payroll					387.05

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

7)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

 FEPA  
 EEOC
**450-2020-03046****Texas Workforce Commission Civil Rights Division**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Clifton R. Rodgers**

Home Phone (Incl. Area Code)

**(972) 480-1898**

Date of Birth

**1952**

Street Address

City, State and ZIP Code

**7309 Shepherd Oaks Cir, Apt 421, Fort Worth, TX 76112**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**BH MANAGEMENT SERVICES LLC**

No. Employees, Members

**15 - 100**

Phone No. (Include Area Code)

**(214) 965-9363**

Street Address

City, State and ZIP Code

**2711 North Haskell Ave, Ste 2650, Dallas, TX 75240****RECEIVED**

No. Employees, Members

**FEB 27 2020**

Phone No. (Include Area Code)

Name

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**05-01-2019****06-19-2019**

RACE     COLOR     SEX     RELIGION     NATIONAL ORIGIN  
 RETALIATION     AGE     DISABILITY     GENETIC INFORMATION  
 OTHER (Specify)

 CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

**PERSONAL HARM:**

- a. Starting around May 11, 2019, and throughout my tenure, I was subjected to continuous harassment by the Property Manager, Brandon, and the Regional Manager, Kerry. Examples include, but are not limited to, having my supervisory responsibilities removed, being isolated and forced to work alone and subjected to unsubstantiated racial remarks when Kerry stated that she felt unsafe when "two big black men" had approached her car, which I found offensive.
- b. On or around June 19, 2019, I was wrongfully terminated.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

**Clifton R. Rodgers 2-27-20****Feb 27, 2020**

Date

Charging Party Signature

<b>CHARGE OF DISCRIMINATION</b>		Charge Presented To:	Agency(ies) Charge No(s):
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input type="checkbox"/> FEPA	
		<input checked="" type="checkbox"/> EEOC	<b>450-2020-03046</b>
<b>Texas Workforce Commission Civil Rights Division</b>		and EEOC	
State or local Agency, if any			

**RESPONDENT'S REASON FOR ADVERSE ACTION:**

- a. No reason given.
- b. I was informed I was being terminated for unsatisfactory attitude and termination.

**DISCRIMINATION STATEMENT:**

I believe that I have been discriminated against because of my race, black, in violation of Title VII of the Civil Rights Act of 1964, as amended and because of my age, 66, in violation of the Age Discrimination in Employment Act of 1967.

I believe that I have been retaliated against in that I was demoted after not responding to after-hours group texts from management, which were in violation of company policy, in violation of Section 704(a) of Title VII of the Civil Rights Act of 1964, as amended in violation of Section 4(d) of the Age Discrimination in Employment Act of 1967.

**RECEIVED**

FEB 27 2020

EQUAL OPPORTUNITY COMMISSION  
DALLAS DISTRICT

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY – When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

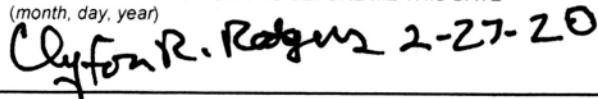
Feb 27, 2020



Date

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

 2-27-20

**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
the Genetic Information Nondiscrimination Act (GINA), or the Age  
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10 – not 12/1/10** – in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

***IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.***

9)

**DISMISSAL AND NOTICE OF RIGHTS**

To: **Clifton R. Rodgers**  
**7309 Shepherd Oaks Cir**  
**Apt 421**  
**Fort Worth, TX 76112**

From: **Dallas District Office**  
**207 S. Houston St.**  
**3rd Floor**  
**Dallas, TX 75202**



*On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.

EEOC Representative

Telephone No.

**450-2020-03046**

**Kelly A. Melton,**  
**Investigator**

**(972) 918-3608****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age**

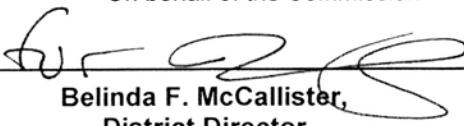
**Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice;** or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

FEB 27 2020

Enclosures(s)

  
 Belinda F. McCallister,  
 District Director

(Date Mailed)

cc:

Monica Champagne  
 HR Manager  
 BH MNAGEMENT SERVICES LLC  
 2711 North Haskell Ave  
 Ste 2650  
 Dallas, TX 75240

**PRIVACY ACT STATEMENT:** Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

#### **NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW**

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

#### **NOTICE OF NON-RETALIATION REQUIREMENTS**

Please **notify EEOC or the state or local agency where you filed your charge if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

10)

Employee name, job title, and race

Mr. Clifton, maintenance supervisor, black.  
Mr. Kerry, regional property manager, Caucasian.  
Mr. Brandon, property manager, Caucasian.  
Ms. Sophia, asst. property manager, Hispanic.  
Mr. Bruce, make ready tech, Hispanic.  
Mr. Sebastian, make ready tech, Hispanic.  
Mr. Jose, asst. maintenance, Hispanic.  
Ms. Sandra, leasing agent, Hispanic.  
Mr. Vladimir, portes, Hispanic.  
Ms. Monica, HR, black  
Ms. Brenda, Property manager, Hispanic

Employed by

BH Management Services LLC (Apr<sup>25</sup> - June 19) 2019.

11)

Concerning age

The statement on (DGF) made by Mr. Brandon, is in error. Not sure of the point he was trying to make. The fact is, to go back 40 years from 2019 to 1979. I had never worked one day in the apartment industry. ~~Although it was~~  
~~With regard to working the 1970's, I have~~

(12)

I am not an attorney  
and I speak on facts and  
opinions of my own. 10b-2

### Case for racial discrimination

1st concern - In May 2019, I did witness the presence of Ms Monica HR, and Ms Kerry RPM, on the day Ms Brenda was demoted and sent to work at a different location. Ms. Brenda hired me. I hoped, none of this involved me. I am black.

2nd concern - I did take offense, on June 13, 2019, a situation occurring at the job worksite, statements attributed to Ms Kerry RPM. I found personally insulting, being the only black employee at this location. In my opinion it unfairly mitigated some concern of big black men and implied fear of black men in general, and are likely to commit a crime.

3rd concern - The decision to terminate employment on June 19, 2019. This decision takes things to a whole different level, because it lacks any racial sensitivity. And in my view, a provocative and hostile act, to mark a freedom gain by black people in Texas, even making this great of Texas.

A clear and profound suppression is intended. That as a black man, I may be free, but still have no rights, in the Texas workforce. ~~essentially~~ have no rights. By real demonstration. And there being nothing I can do about that.

Case for racial discrimination cont:-

4<sup>th</sup> Concern - As stated in 1<sup>st</sup> concern. Some procedures may have been established , during the demotion process of Ms. Brenda (That may explain procedures changes for termination process . To set the record straight. Ms Monica HR , signature is on the disciplinary action form dated 6-19-2019 . But was not in attendance <sup>(present)</sup> doing termination process . Ms. Kerry, signature is not on the (DAF) , but presided over and conducted the termination process . I ask the question , what role did the dept. of HR play in my termination process . Was she removed from the process . Was it because she is black ? This change in procedures may have been in violation of BHM Management Services LLC , own policies and procedures , and may be unlawful , whereas , a RPM , acting in a manner as one and the same HR .

At beginning , my actions are predicated by this proposition . I am promised my day in court , I am a free black man , residing the great state of Texas , and I do have rights within the Texas workforce .

I seek legal representation . Attorney's contacted taken from EEOC listing .

With all due respect , BHM Management Services LLC , a giant in the apartment management industry . An equal opportunity employer .

(13)

LIST OF DOCUMENTS(1) STATE OF FACTS

- 1) Disciplinary action form / 3 pages / termination
- 2) Determination on payment of unemployment benefits / 1 page.
- 3) Other documents related to <sup>Texas Workforce</sup> unemployment commission  
3 pages
- 4) Statement of facts / 8 pages
- 5) RE: Password / 1 page / (training).
- 6) 1st day to do list by Mr Brandon (New) property mgr.
- 7) BHT Management Services LLC, refundable withheld payroll.  
2nd address 2 documents statement and envelop sent
- 8) Charge of Discrimination / 3 pages
- 9) Dismissal and Notice of Rights / 2 pages
- 10) List of employee names, position, and race / 1 page
- 11) Concerning age / 1 page
- 12) Case for racial discrimination / 2 pages
- 13) List of documents
- 14) Mail address, residence

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Clifton R. Rodgers

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

DARRANT

RECEIVED

MAY 29 2020

CLERK, U.S. DISTRICT COURT

## DEFENDANTS

BH Management Services LLC

DALLAS

(c) Attorneys (Firm Name, Address, and Telephone Number)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

3-20CV1386-B

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

 1 U.S. Government Plaintiff 3 Federal Question  
(U.S. Government Not a Party) 2 U.S. Government Defendant 4 Diversity  
(Indicate Citizenship of Parties in Item III)

(For Diversity Cases Only)

Citizen of This State

PTF  
 1DEF  
 1

Incorporated or Principal Place of Business In This State

PTF  
 4DEF  
 4

Citizen of Another State

PTF  
 2DEF  
 2

Incorporated and Principal Place of Business In Another State

PTF  
 5DEF  
 5

Citizen or Subject of a Foreign Country

PTF  
 3DEF  
 3

Foreign Nation

PTF  
 6DEF  
 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

## CONTRACT

- 110 Insurance
- 120 Marine
- 130 Miller Act
- 140 Negotiable Instrument
- 150 Recovery of Overpayment & Enforcement of Judgment
- 151 Medicare Act
- 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- 153 Recovery of Overpayment of Veteran's Benefits
- 160 Stockholders' Suits
- 190 Other Contract
- 195 Contract Product Liability
- 196 Franchise

## TORTS

- 310 Airplane
- 315 Airplane Product Liability
- 320 Assault, Libel & Slander
- 330 Federal Employers' Liability
- 340 Marine
- 345 Marine Product Liability
- 350 Motor Vehicle
- 355 Motor Vehicle Product Liability
- 360 Other Personal Injury
- 362 Personal Injury - Medical Malpractice

## PERSONAL PROPERTY

- 370 Other Fraud
- 371 Truth in Lending
- 380 Other Personal Property Damage
- 385 Property Damage Product Liability

## FORFEITURE/PENALTY

- 625 Drug Related Seizure of Property 21 USC 881
- 690 Other

Click here for: Nature of Suit Code Descriptions.

## BANKRUPTCY

- 422 Appeal 28 USC 158
- 423 Withdrawal 28 USC 157

## PROPERTY RIGHTS

- 820 Copyrights
- 830 Patent
- 835 Patent - Abbreviated New Drug Application
- 840 Trademark

- 375 False Claims Act
- 376 Qui Tam (31 USC 3729(a))
- 400 State Reapportionment
- 410 Antitrust
- 430 Banks and Banking
- 450 Commerce
- 460 Deportation
- 470 Racketeer Influenced and Corrupt Organizations
- 480 Consumer Credit
- 490 Cable/Sat TV
- 850 Securities/Commodities/ Exchange
- 890 Other Statutory Actions
- 891 Agricultural Acts
- 893 Environmental Matters
- 895 Freedom of Information Act

## LABOR

- 710 Fair Labor Standards Act
- 720 Labor/Management Relations
- 740 Railway Labor Act
- 751 Family and Medical Leave Act
- 790 Other Labor Litigation

## SOCIAL SECURITY

- 861 HIA (1395ft)
- 862 Black Lung (923)
- 863 DIWC/DIWW (405(g))
- 864 SSID Title XVI
- 865 RSI (405(g))

## FEDERAL TAX SUITS

- 870 Taxes (U.S. Plaintiff or Defendant)
- 871 IRS—Third Party 26 USC 7609

## IMMIGRATION

- 462 Naturalization Application
- 465 Other Immigration Actions

## V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

## VI. CAUSE OF ACTION

Brief description of cause: racial discrimination

## VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION  
UNDER RULE 23, F.R.Cv.P.

## DEMAND \$

CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  NoVIII. RELATED CASE(S)  
IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

## FOR OFFICE USE ONLY

RECEIPT # 124297 AMOUNT

APPLYING IFP

JUDGE

E

MAG. JUDGE

BT